



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,706	07/10/2006	Satoshi Ihori	082418-000700US	4320

20350 7590 11/18/2009  
TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER
----------

LIM, SENG HENG

ART UNIT	PAPER NUMBER
----------	--------------

3714

MAIL DATE	DELIVERY MODE
-----------	---------------

11/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,706	<b>Applicant(s)</b> IHORI ET AL.	
	<b>Examiner</b> SENG H. LIM	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

This office action is in response to the amendment filed on 7/24/2009 in which applicant amends claims 2, 3, 6-8; cancelled claim 5 and responds to the claim rejections. Claims 2, 3, 6-8 are pending.

### *Response to Arguments*

Applicant's arguments filed 7/24/2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the sub-messages stored in the buffer may expire after the life duration time exceeded and thus be deleted from the buffer **without even being output**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues Uenishi does not disclose priority order for each main and sub message, wherein applicant is defining order in reference to time order, e.g. sequentially. Examiner affirms the rejection because in accordance to para [0029, 0119 & 0120] in applicant's written specification, the Examiner understands the priority order of the main message is set higher than the sub message: "For example, it is possible to notify the main message matching the progress status, which counts more,

Art Unit: 3714

preferentially over the sub message matching the winning and losing statuses of the friend and enemy sides... That is, the audio data for explicitly indicating the progress statuses in FIG. 4A are given higher priority orders than the audio data for implicitly indicating the winning and losing statuses in FIG. 4B.” This means if the sub message and the main message are to be output simultaneously, the main message takes higher precedence because the main message has higher priority order. Uenishi teaches wherein the main message or broadcasting data has higher priority over the sub message or cheering data, so when the main message and sub message is to be output simultaneously, the volume of sub message is decreased to allow the main message to be heard; Abstract, [0006-0010].

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 3, 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Uenishi et al (US 2003/0013533 A1).

Re claim 2. Uenishi et al disclose a message output device (**Fig. 1**) comprising:  
a battle control unit (**CPU, 1**) which controls a battle (**i.e. baseball game**)  
between characters belonging to opposing friend (**self characters**) and enemy sides

Art Unit: 3714

**(opponent characters)** in a virtual space based on a predetermined instruction input **(i.e. a battle or baseball game is controlled using each player's game controllers to control each opposing friend and enemy side)** [0034, 0057];

a message storage unit **(5, Fig. 2)** which stores a plurality of main messages **(512)** matching progress statuses of the battle **(i.e. broadcasting messages about the statuses of the baseball game or battle by the broadcaster)**, and a plurality of sub messages **(511)** matching winning and losing statuses of the friend and enemy sides **(i.e. the audience's sound to indicate the winning and losing statues of the self and opponent characters, for example, the game can have the audience cheering for home team's advantage or booing for home team's disadvantage);**

a main message acquisition and sub message acquisition unit **(i.e. voice processor, 11)** which acquires a main message specified in accordance with a progress status of the battle **(i.e. the broadcaster broadcasting the progression/status of the game)** and detects winning and losing statuses of the friend and the enemy sides which change in accordance with a progress status of the battle at each predetermined timing, and acquires a sub message matching the detected winning and losing statuses that are detected **(i.e. the game can have audience cheering for home team's advantage or booing for home team's disadvantage)** [0059, 0064-0065];

a message output unit **(speaker, 23)** which outputs, based on a predetermined condition, the main message acquired by the main message acquisition unit and the sub message acquired by the sub message acquisition unit; wherein the message

Art Unit: 3714

output unit further comprises a retaining unit (**i.e. buffer, 15**) that at least temporarily retains the sub message acquired by the sub message acquisition unit;

wherein a life duration time is set at least for each sub message retained in the retaining unit (**i.e. the life duration time set is the time period during buffering**);

a message deletion unit that deletes from the retaining unit a sub message whose life duration time has been expired, from among the sub messages retained in the retaining unit is further provided (**i.e. when the buffering period is over, the life duration time has been expired and it is deleted from the retaining unit**),

a priority order is set for each main message and each sub message; and the message output unit outputs, in an order based on the priority order, the acquired main message and the sub message having been retained in the retaining unit (**i.e. the main message or broadcasting data has higher priority over the sub message or cheering data, so when the main message and sub message is to be output simultaneously, the volume of sub message is decreased to allow the main message to be heard; Abstract, [0006-0010]**).

Re claim 3. In a case where the main message and the sub message are acquired at a same time, said message output unit outputs the main message preferentially (**i.e. the main message or broadcasting data has higher priority over the sub message or cheering data, so when the main message and sub message is to be output simultaneously, the volume of sub message is decreased to allow the main message to be heard; Abstract, [0006-0010]**).

Re claim 6. Please refer to claims 2 & 3 above.

Re claim 7. Uenishi et al discloses a message control method utilizing a message storage unit, where message storage unit said stores a plurality of main messages matching progress statuses of a battle and a plurality of sub messages matching winning and losing statuses as discussed above in claims 2 & 3.

Re claim 8. Uenishi et al discloses a computer-readable information recording medium storing a program for controlling a computer function as discussed above in claims 2 & 3.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SENG H. LIM whose telephone number is (571)270-3301. The examiner can normally be reached on 9:30-6:00, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. H. L./

Examiner, Art Unit 3714

/Peter D. Vo/

Supervisory Patent Examiner, Art Unit 3714